

**REMARKS**

The Official Action mailed June 15, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 25, 2004. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-19 were pending in the present application prior to the above amendment. Claim 4 has been canceled, and claims 1-3, 5-10, 18 and 19 have been amended to better recite the features of the present invention. Accordingly, claims 1-3 and 5-19 are now pending in the present application, of which claims 1-3 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 17-19 under 35 U.S.C. § 112, second paragraph asserting that the use of "for example" is erroneous and renders the scope of the claims indeterminate and should be deleted" (page 2, Paper No. 0605). In accordance with the Examiner's suggestion, "for example" has been deleted from claims 17-19. The Applicant respectfully submits that claims 17-19 are definite. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 1, 2, 14, 15, 17 and 18 as anticipated by U.S. Patent No. 6,329,062 to Gaynor. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a

single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1 and 2 have been amended to recite a second inorganic insulating film including silicon and nitrogen on a first inorganic insulating film, which is supported in the present specification, for example, at page 2, lines 14-18. Also, claims 1-3 have been amended to recite that a first inorganic insulating film and a second inorganic insulating film are a nitride, which is supported in the present specification, for example, at page 3, lines 7-9. Further, claim 2 has been amended to recite that a surface of a second inorganic insulating film has a larger contact angle of water than a surface of a first inorganic insulating film, which is supported in the present specification, for example, at page 11, lines 3-16. The Applicant respectfully submits that Gaynor does not teach the above-referenced features of the present invention, either explicitly or inherently.

Since Gaynor does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 3-13 and 16-19 as obvious based on the combination of Gaynor and Wolf (Silicon Processing for the VLSI Era, Vol. 2, Lattice Press, 1990, pp. 273-283) either alone or in combination with U.S. Patent Publication Application No. 2003/0031877 to Veerasamy et al. or U.S. Patent No. 4,714,636 to Yokono et al. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Gaynor. Further, claim 3 has been amended to recite that a hydrogen concentration in a second inorganic insulating film is higher than a hydrogen concentration in a first inorganic insulating film, which is supported in the specification, for example, at page 3, lines 11-23. This amendment describes a first inorganic insulating film in relation to a second inorganic insulating film.

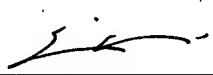
Wolf, Veerasamy and Yokono do not cure the deficiencies in Gaynor. Wolf appears to disclose a second inorganic insulating film on a first inorganic insulating film, and the Official Action relies on Wolf to allegedly teach that "a first inorganic insulating layer on [a] semiconductor layer corresponds to the layers being formed on an underlying silicon substrate, e.g., as in Fig. 2A [of Gaynor] ... of the integrated circuit devices including an insulating layer isolating the elements 14 in Fig. 2A [of Gaynor] and as shown in Wolf, page 282, fig. 4-60(c)" (page 3, Paper No. 0605). The Official Action relies on Veerasamy and Yokono to allegedly teach the features of the dependent claims. However, Gaynor, Wolf, Veerasamy and Yokono, either alone or in combination, do not teach or suggest a second inorganic insulating film including silicon

and nitrogen on a first inorganic insulating film (claims 1 and 2); a first inorganic insulating film and a second inorganic insulating film are a nitride (claims 1-3); that a surface of a second inorganic insulating film has a larger contact angle of water than a surface of a first inorganic insulating film (claim 2); or that a hydrogen concentration in a second inorganic insulating film is higher than a hydrogen concentration in a first inorganic insulating film (claim 3).

Since Gaynor and Wolf, Veerasamy and Yokono do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



---

Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789